

REMARKS

Applicants acknowledge receipt of an Office Action dated October 15, 2007. In this response, Applicants have amended claims 1-17 and have added claims 18-20. Support for these amendments may be found in Applicants originally filed application text and drawings. In particular, Applicants wish to direct the PTO's attention to paragraphs [0031] and [0033] (U.S. Patent Applicant Publication 2007/0052262). Following entry of these amendments, claims 1-20 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Objection to Claims

On page 2 of the Office Action, the PTO has objected to claims 2, 10, 15, 16 and 17 because of certain informalities.

In this response, Applicants have amended claim 2 to replace the term "exit" with the term "exits" as suggested by the PTO. In addition, Applicants have amended claim 10 to address the grammatical issue raised by the PTO. Finally, with regard to claims 15, 16, and 17, Applicants have redrafted each of these claims in independent form.

In view of the foregoing discussion and the amendments set forth above, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the claims.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

On page 2 of the Office Action, the PTO has rejected claims 4, 6, 9, 10, 11, 15 and 16 under 35 U.S.C. § 112, 2nd paragraph as allegedly being indefinite. In this response, Applicants have amended claims 4, 6, 9, 15, and 16.

With regard to the use of the phrase "and/or" in claims 4, 15, and 16, Applicants have amended each of these claims to remove the phrase "and/or" and substitute the language "at least one of . . . or . . .". These amendments do not narrow the scope of these claims.

With respect to the antecedent basis issued that the PTO raised in connection with the reference to “two half bodies” in claim 6, Applicants have amended claim 6 in a manner which obviates the issue raised by the PTO and which does not narrow the scope of claim 6.

Finally, with regard to the omitted dependency in claim 9, Applicants have amended claim 9 so that it clearly depends from claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 112.

Rejection Under 35 U.S.C. § 103

On page 3 of the Office Action, the PTO has rejected claims 1-9 and 12-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,921,127 to Feith (hereafter “Feith”) in view of U.S. Patent 6,739,673 to Gupta (hereafter “Gupta”). In addition, on page 3 of the Office Action, the PTO has rejected claims 10 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feith in view of Gupta and further in view of U.S. Patent No. 6,305,733 to Rahmstorf *et al.* (hereafter “Rahmstorf”). Applicants traverse these rejections for the reasons set forth below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Here, Feith, Gupta, and Rahmstorf whether taken individually or in combination, fail to teach or suggest a base body “wherein the base body is at least partially perforated such that the base body comprises a plurality of holes which are spaced apart from one another, which are arranged in rows and/or columns, and which form a pattern” as recited in each of independent claims 1, 15, 16, and 17. For at least this reason, Applicants submit that the

outstanding rejections based upon combinations of Feith, Gupta, and Rahmstorf are improper and ought to be withdrawn.

Applicants note that the PTO has referred to Figure 18 of Gupta in the Office Action. With regard to Figure 18, Gupta states that “[t]he panels preferably are configured with suitable openings 186 or molded attachment structures 188 adapted for receiving one or more instruments, gauges, or other components, or communicating air to a vent opening into the passenger compartment.”

In addition to the deficiencies noted above, Applicants submit that a person of ordinary skill in the art would not view the openings 186 of Gupta as perforations. Applicants recognize that the PTO gives claim terms their broadest reasonable interpretation during prosecution but submit that the PTO’s attempt to interpret the term “perforated” as encompassing the openings 186 in the panels depicted in Figure 18 of Gupta is not reasonable. In this regard, Applicants note that the openings in Gupta are adapted for receiving one or more instruments, *etc.*

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-14, each of which ultimately depends from independent claim 1, are also non-obvious at least by virtue of their dependency from claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under § 103.

CONCLUSION


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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